

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 8, 2002
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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for the Regular Meeting of Tuesday, October 8, 2002**

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:05 a.m. Mayor Murphy recessed the meeting at 11:13 a.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 11:18 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 11:30 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:50 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Fishkin (pr/er)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-not present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding wealthy sports owners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A053-100.)

PUBLIC COMMENT-2:

Comment by Arleen Freeman regarding People's Republic of China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A117-146)

PUBLIC COMMENT-3:

Comment by Rebekah Hess Eaves reiterating Ms. Freeman's comments on "The People's Republic of China."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A146-158)

PUBLIC COMMENT-4:

Comment by Larry Chaidez regarding National Disability Awareness Month.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A160-173)

PUBLIC COMMENT-5:

Comment by Alex Sachs regarding "Balboa for All" and the Boy Scouts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A174-190)

PUBLIC COMMENT-6:

Comment by Mike Eden pertaining to the White Cane Law and the blind.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A191-200.)

PUBLIC COMMENT-7:

Barbara Herbert read the White Cane Law in Braille.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A200-222.)

PUBLIC COMMENT-8:

Comment by Judi Strang regarding Tobacco Free Communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A240-295.)

PUBLIC COMMENT-9:

Comment by Tom Willard regarding tobacco and safeguards for youth.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A296-317.)

PUBLIC COMMENT-10:

Comment by Barbara MacKenzie regarding medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A319-372.)

PUBLIC COMMENT-11:

Comment by Tony Williams regarding San Diego Mission Bay Boat and Ski Club's lease negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-402.)

PUBLIC COMMENT-12:

Comment by Jean Simonz reiterating Mr. Williams' comments regarding the San Diego Mission Bay Boat and Ski Club matters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A403-434.)

PUBLIC COMMENT-13: **REFERRED TO THE CITY MANAGER**

Comment by Todd T. Cardiff regarding non-surf zones.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A435-513.)

PUBLIC COMMENT-14:

Comment by Beverly Walker regarding ADA issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A514-545.)

PUBLIC COMMENT-15:

Comment by Noel Neudeck regarding disabilities and access codes for the disabled.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A546-584.)

PUBLIC COMMENT-16:

Comment by Adrian Kwiatkowski regarding the Clean Needle Syringe Exchange Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A585-B015.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Wear regarding the new transit "First Vision" bus for San Diego that will debut on Friday, October 11, 2002. On Saturday, San Diegans will have the opportunity to view the new bus concept at the Columbus Day Parade at 11:00 a.m. in Old Town or at the beach between 2:00 p.m. and 7:00 p.m. On Sunday, the bus will be downtown at the Arts Fest, and the Gas Lamp Quarter at Fifth and Island.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B019-061.)

COUNCIL COMMENT-2:

Council Member Atkins commented regarding this past Sunday's 13th Annual "AIDS Walk" event. She thanked her staff and Leslie Devaney from the City Attorney's Office for their efforts.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B062-087)

COUNCIL COMMENT-3:

Council Member Inzunza commented regarding a project that he and staff have been working on pertaining to cargo trucks crossing the United States and Mexico border. He thanked members of his staff and staff from the Transportation Department for their efforts in trying to correct the gridlock at our border.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B088-125)

COUNCIL COMMENT-4:

Council Member Peters thanked Council Member Atkins for the invitation to walk in the "AIDS WALK."

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B126-156)

CITY MANAGER COMMENT:

The City Manager commented regarding the non-agenda matter concerning the Mission Bay Boat and Ski Club. He stated that he is in the process of providing a report and will be asking that this item be heard in Closed Session in the next few weeks.

The City Manager reported that there is a new City-wide Disability Service Coordinating Committee that is chaired by Debra Fischle-Faulk. The committee is currently working on issues concerning ADA and Title 24.

During the afternoon meeting, City Manager Uberuaga commented on the sale of water revenue bonds and congratulated Pat Frazier on her work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B157-201; C020-053.)

CITY ATTORNEY COMMENT:

The City Attorney commented that he is looking forward to seeing the Mayor and Council this Thursday at 11:30 a.m. at the new San Diego Family Justice Center for its Grand Opening.

He also commented regarding illegal street racing and expressed his desire that the City Manager work on identifying more venues for legal street racing.

City Attorney Gwinn updated Council regarding the remaining lawsuits involving the ballpark and made an announcement that Council had authorized two appeals in today's Closed Session, the appeal of NPDES Permit No. CA0107409 and American Contractors Indemnity v. City, San Diego Superior Court Case #G1C786504.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B202-230;C054-063; E127-134.)

ITEM-200: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager Report CMR-02-221. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-331) ADOPTED AS RESOLUTION R-297163

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: D245-E108.)

MOTION BY INZUNZA TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Savannah Terrace.

(Continued from the meeting of September 10, 2002, Item 331, at the request of Councilmember Maienschein, for further review.)

Matter of approving, conditionally approving, modifying or denying to the City Council a Rezone from CC to RM-2-5 (1 dwelling unit per 1,500 square feet of lot area) Tentative Map/Planned Development Permit/Site Development Permit/Street Vacation/Multiple Habitat Plan Area Boundary Adjustment to develop five lots with 289 multi-family units on a 28.96-acres site. The project is located at the northeast corner of Sabre Springs Parkway and Poway Road.

(See City Manager Report CMR-02-197. RZ/PDP/SDP/SV/TM/MHPA Boundary Adjustment 40-0644. Sabre Springs Community Plan area. District-5.)

NOTE: Hearing open. No testimony taken on 9/10/2002.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; adopt the resolution in subitem B to deny the permits and MHPA Boundary Adjustment; adopt the resolution in subitem C to deny the tentative map/street vacation; and adopt the resolution in subitem D:

Subitem-A: (O-2003-60) CONTINUED TO MONDAY, OCTOBER 28, 2002

Introduction of an Ordinance changing portions of a property, located at the northeast corner of Sabre Springs Parkway and Poway Road, in the Sabre Springs Community Plan Area, in the City of San Diego, California, from CC-1-3 (Community Commercial) Zone into the RM-2-5 (Medium Density Residential) Zone, as defined by San Diego Municipal Code section 101.0111; and repealing Ordinance O-17061 (New Series), adopted April 18, 1988, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2003-) CONTINUED TO MONDAY, OCTOBER 28, 2002

Adoption of a Resolution granting or denying Planned Development/Site Development Permit No. 40-0644 and MHPA Boundary Adjustment, with appropriate findings to support Council action.

Subitem-C: (R-2003-) CONTINUED TO MONDAY, OCTOBER 28, 2002

Adoption of a Resolution granting or denying Vesting Tentative Map/Street Vacation 40-0644, with appropriate findings to support Council action.

Subitem-D: (R-2003-317) CONTINUED TO MONDAY, OCTOBER 28, 2002

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 40-0644, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of regulations section 15000 et seq.), and that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Savannah Terraces project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that Mitigated Negative Declaration, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

On June 13, 2002, the Planning Commission voted 5-0 to approve staff's recommendations and deny the proposal; no opposition.

Ayes: Lettieri, Brown, Garcia, Steele and Shultz
Recusing: Chase

On August 3, 2001, the Sabre Springs Planning Group voted 7:0:1 in support of the project.

CITY MANAGER SUPPORTING INFORMATION:

The 28.69-acre project site is located on the northeast corner of Sabre Springs Parkway and Poway Road, within the Sabre Springs Community Plan area. The project site is designated Community Commercial, Multi-Family and Institutional. Surrounding uses include Specialty Commercial (SC) to the west; Low-Medium Density Residential (LM-10-15 du/acre) to the south; Institutional/Utilities (IN) to the east; Medium Density Residential (M-15-30 du/acre) to the northeast; Open Space (OS) and Neighborhood Park (NP) to the north of the project site.

FISCAL IMPACT: None.

Ewell/Christiansen/PXG

LEGAL DESCRIPTION:

The project site is located at the northeast corner of Sabre Springs Parkway and Poway Road, within the Sabre Springs Community Planning area and is more particularly described as Parcel 1 and 2, per Parcel Map No. 17661; Lots 4 and 5 of North Creek Areas 14, 15, 16, 17, and 18, Unit No. 1, per Map No. 12937.

FILE LOCATION: SUBITEMS A,B,C,& D: LUP-Savannah Terrace 09/10/02
(65)

COUNCIL ACTION: (Tape location: C064-D243.)

Hearing began at 2:15 p.m. and halted at 3:12 p.m.

Testimony in favor by Carline Matchniff and Rick Smith.

MOTION BY MAIENSCHIN TO CONTINUE TO MONDAY, OCTOBER 28, 2002, AND DIRECT STAFF TO PREPARE A PERMIT AND OTHER SUPPORTING DOCUMENTS NEEDED TO APPROVE THE REDESIGN PROJECT AS SHOWN IN EXHIBIT "A" THAT WAS REVIEWED AND CONSIDERED BY COUNCIL DURING THE MEETING AND TO COME BACK ON OTHER ISSUES THAT NEED TO BE WORKED OUT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Nextel Murray Ridge.

(Continued from the meeting of September 17, 2002, Item 330, so that findings can be brought back to Council to be adopted.)

Matter of the appeal by Brian P. Welch and Robert D. Sisemore of the decision by the Planning Commission in approving an application for an existing wireless telecommunications facility disguised as a 35 foot high palm tree and its associated 200 square-foot equipment shelter and landscape situated in the parking lot of the International Church of the Foursquare Gospel Church located at 2285 Murray Ridge Road in the Serra Mesa Community.

(See City Manager Report CMR-02-199. Serra Mesa Community Plan area. District-6.)

NOTE: Hearing Open. Public portion of hearing closed. Testimony taken on 9/17/02.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to deny the appeal and grant the permit; and adopt the resolution in subitem B:

Subitem-A: (R-2003-) GRANTED APPEAL, DENIED PERMIT,
ADOPTED AS RESOLUTION R-297157

Adopt the Resolution granting or denying the appeal and granting or denying the Conditional Use Permit/Planned Development Permit No. 94-0330-87, with appropriate findings to support Council action.

Subitem-B: (R-2003-) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in the Negative Declaration No. 94-0330-87 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.) that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Nextel Murray Ridge;

That the Planning Commission finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved.

OTHER RECOMMENDATIONS:

Planning Commission on May 16, 2002 voted 5-1 to approve; was opposition.

Ayes: Lettieri, Brown, Garcia, Schultz, Steele
Nays: Chase
Not present: Anderson

The Serra Mesa Community Planning Group has recommended denial of this project.

CITY MANAGER SUPPORTING INFORMATION:

The Nextel-Murray Ridge project is an existing wireless communication facility consisting of a 35-foot high faux palm tree supporting twelve panel antennas and an approximate 200-square foot equipment shelter and trash enclosure.

The facility is located at 2285 Murray Ridge Road on the perimeter of the church parking lot in the southwestern portion of the property overlooking Interstate-805 in the Serra Mesa Community Plan area.

FISCAL IMPACT:

All costs associated with the processing of this application have been paid for by the applicant.

LEGAL DESCRIPTION:

The site is located at 2285 Murray Ridge Road, in the Serra Mesa Community Plan area and is more particularly described as parcel "B" of the Princess Park Estates, Unit No. 7, Map No. 4621.

FILE LOCATION: SUBITEMS: A&B: LUP-NEXTEL MURRAY RIDGE
9/17/02 (65)

COUNCIL ACTION: (Tape location: B316-382; B439-514.)

Hearing began at 11:11 a.m. and recessed at 11:15 a.m.

Hearing resumed at 11:18 a.m. and halted at 11:25 a.m.

MOTION BY FRYE TO GRANT THE APPEAL, DENY THE PERMIT, AND TO NOTE AND FILE THE NEGATIVE DECLARATION NO. 94-0330-87. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Route 252 Corridor Lot Consolidation Parcel Map and Public Right-of Way Vacation.

(See City Manager's Report CMR-02-217. Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-412) ADOPTED AS RESOLUTION R-297158

Approving a Lot Consolidation Parcel Map W.O. No. 420095 including Street Vacations and Easement Reservations.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Lot Consolidation Parcel Map and Public Right-of-Way Vacation would vacate Public Rights-of-Way, reserve General Utility Easements, and grant Sewer Easements. This action is being taken by SEDC so that they can provide an unencumbered piece of land to the City of San Diego for use as a future city park. The proposed Public Right-of-Way Vacation would vacate portions of: Alpha Street, Beta Street, Birch Street, 36th Street, 37th Street, and an Unnamed Alley.

The proposed vacations are consistent with City Council Policy 600-15, *Street Vacations Easement Abandonments*, as well as San Diego Municipal Code Chapter 12, Article 5, Division 9, governing Public Right-of-Way Vacations. Therefore, the portions of the Public Rights-of-Ways proposed for vacation are not needed for present nor prospective public street purposes. As part of this action, all Public Rights-of-Way containing public utilities would be reserved as General Utility and Access Easements for City and Public Utility use. Sewer Easements for are being granted as a part of this action for existing sewer lines which are not currently within a public easement.

FISCAL IMPACT: None.

Ewell/Christiansen/DES

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: SUBITEM: STRT-J-2948 (39)

COUNCIL ACTION: (Tape location: B260-307.)

Hearing began at 11:08 a.m. and halted at 11:10 a.m.

Testimony in favor by Reynaldo Pisano.

MOTION BY INZUNZA TO ADOPT THE RESOLUTION AND TO INCLUDE FIVE RECOMMENDATIONS AS REQUESTED BY COUNCIL MEMBER FRYE AS FOLLOWS:

1. TO ADDRESS THE CONCERN THAT THE SECONDARY STUDY IS AGED, BEING DATED SEPTEMBER, 1998. ASSURE PRIOR TO PARK DEVELOPMENT, THAT PHASE I ENVIRONMENTAL ASSESSMENT IS COMPLETED AND IF NECESSARY, A PHASE II ENVIRONMENTAL CLEAN-UP IS ALSO COMPLETED.
2. IN ORDER TO ACCOMPLISH #1, APPLY FOR THE BROWNSFIELD ASSESSMENT AND DEMONSTRATION GRANT. THE CITY OF SAN DIEGO HAS BEEN AWARDED THIS GRANT A FEW YEARS AGO.
3. IN ORDER TO ADDRESS THE ON-GOING ILLEGAL TRASH AND RUBBLE DUMPING, WE RECOMMEND THAT A CONSTRUCTION SECURITY FENCE BE INSTALLED IMMEDIATELY ON THE FULL PERIMETER OF THE SITE UNTIL THE PARK IS DEVELOPED.
4. IN ORDER TO PROVIDE FOR MAINTENANCE OF THE SITE PRIOR TO DEVELOPMENT AS A PARK, WE RECOMMEND THAT THE CITY ESTABLISHES A CONTINGENCY FUND IN THE AMOUNT OF \$20,000 IN FAVOR OF THE PARK AND RECREATION DEPARTMENT.
5. THAT THE ALLEY THAT RUNS PARALLEL TO THE CHOLLAS CREEK CHANNEL SHOULD CONNECT TO THE WESTERN END OF BETA STREET. DO NOT VACATE THE NORTH END OF 37TH STREET UNTIL A PARK DESIGN IS CONCEIVED.

Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Uptown Public Facilities Financing Plan and Development Impact Fee.

(See City Manager Report CMR-02-209 and Draft Public Facilities Financing Plan. Uptown Community Area. Districts-2 and 3.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-430 Cor. Copy) ADOPTED AS RESOLUTION R-297159

Approving the document titled "Uptown Public Facilities Financing Plan, Fiscal Year 2003" dated September 16, 2002;

Subitem-B: (R-2003-435 Cor. Copy) ADOPTED AS RESOLUTION R-297160

Rescinding the existing Uptown Development Impact Fees [DIF];

Declaring the DIF fee schedule contained in the Uptown Public Facilities Financing Plan, Fiscal Year 2003 to be an appropriate and applicable DIF fee schedule for all properties within the Uptown Community Planning Area;

Declaring that the Docket Supporting Information (including the City Manager Report) and the text contained in the Uptown Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

6. Identifies the purpose of DIF;
7. Identifies the use to which the DIF is to be put;
8. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
9. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/18/2002, LU&H voted 3 to 0 to approve. (Councilmembers Peters, Wear and Frye voted yea. Councilmembers Stevens and Maienschein not present.)

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: B240-260.)

Hearing began at 11:05 a.m. and halted at 11:07 a.m.

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-S407: Eleventh Amendment to the Agreement for Use of the Tijuana Emergency
Connection.

(San Ysidro and Tijuana River Valley Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-386) ADOPTED AS RESOLUTION R-297164

Authorizing the City Manager to execute Amendment No. 11 to the existing
Agreement with the International Boundary and Water Commission, for the use of
the Tijuana emergency connection.

CITY MANAGER SUPPORTING INFORMATION:

In 1990, the City agreed to treat up to 13 million gallons per day (mgd) of Tijuana sewage in the City's Metropolitan Wastewater System (Metro) as an interim solution to the border sanitation problem, until the International Treatment Facilities were constructed. The City entered into an agreement with the International Boundary and Water Commission (IBWC) on July 22, 1991 to treat Tijuana sewage. The existing agreement expires on September 30, 2002. This Eleventh Amendment will extend the agreement until September 30, 2003.

Phase I of the International Wastewater Treatment Plant, which came on line in May 1997, and the South Bay Ocean Outfall, which was completed in December 1998, can process and dispose of up to 25 mgd of Tijuana sewage. Upgrades to the Tijuana sewage system were completed in late 2000 which included the construction of a new pump station and parallel force main. As a result of these Tijuana system improvements the emergency connection has not been utilized since September 2000. However, it is recommended that this agreement be extended for another

year to provide a safeguard, should an emergency arise in which it is necessary to divert Tijuana sewage to the Metro System.

FISCAL IMPACT:

In Federal Fiscal Year 2003, the IBWC will be charged a rate of \$487.98 per million gallons of flow, plus \$128.20 per thousand pounds of Total Suspended Solids and \$53.34 per thousand pounds of Chemical Oxygen Demand for treatment of Tijuana sewage.

Mendes/Tulloch/CW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E111-113.)

MOTION BY INZUNZA TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S408: Two actions related to Approving the Plans and Specifications for the Construction of Environmental Services Operations Center.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-385) ADOPTED AS RESOLUTION R-297161

Approving the plans and specifications for the construction of Environmental Services Operations Center North Storm Drain and Manual Truck Wash;

Authorizing the City Auditor and Comptroller to transfer \$495,000 from CIP-32-023.0, South Chollas Landfill Photovoltaics, Fund No. 41201 and \$330,000 from CIP-37-255.0, Miramar Landfill General MRF, Fund No. 41201 to CIP-32-021.0, Environmental Services Yard Improvements, Fund No. 41201;

Approving the expenditure of \$825,000 from CIP-32-021.0, Environmental Services Yard Improvements, Fund No. 41201 for construction projects at the Environmental Services Operations Center;

Declaring that the expenditure of \$825,000 from CIP-32-021.0, Fund No. 41201 shall include an amount not to exceed \$20,000 for the acquisition of property rights, appraisal, escrow, title, labor, and miscellaneous costs for the Environmental Services Operations Center North Stom Drain Project;

Authorizing the City Manager to execute a construction contract with the lowest responsible and reliable bidder provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2003-423) ADOPTED AS RESOLUTION R-297162

Certifying that the information contained in Environmental Negative Declaration No. 88-0091, dated April 4, 1998, as amended, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration has been reviewed and considered by this Council;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

The Environmental Services Department (ESD) Operations Center Project was authorized by the City Council as part of CIP-37-356.0, Environmental Services Administration Building and Operations Yard Construction, on December 7, 1999, Resolution No. R-292578. This project facilitated centralization of collection services, including refuse, recycling, yard-waste and street litter collection services, at a single station. ESD has acquired the existing facility at 8353 Miramar Place and a Notice of Completion was filed in December 2001.

The new facility is accommodating the department's collection activities which involves 250 truck drivers and other staff support, and the supervision and management of these functions. It also provides facilities for the maintenance, fueling and storage of approximately 180 heavy duty refuse packers.

This project facilitates the City's commitment to a Clean Energy Project involving conversion of its heavy duty collection fleet from diesel power to a cleaner burning dual fuel liquid natural gas (LNG) system.

An additional \$825,000 is required to finalize the negotiations and acquisition of necessary easements on the northeast side of the project and complete the design and installation of the drainage improvements required by State Storm Water regulations, provide funding for an expanded employee patio drainage system, a Manual Truck Wash, line safety measures such as a cross walk with flashing beacons, enhanced security measures, pavement replacement with subgrade compaction, and completion of the Governor Drive Landfill Exit Road. As a result of this action, these additional improvements will be included in CIP-32-021.0, which provides for various upgrades to the Environmental Services Yard.

FISCAL IMPACT:

Total project cost for CIP-32-021.0, Environmental Services Yard Improvements, is estimated to be \$1,825,000, of which \$273,000 was previously authorized by the Fiscal Year 2003 Capital Improvements Program Budget (Ordinance O-19083). This request is to transfer \$495,000 from CIP-32-023.0, Fund No. 41201, and \$330,000 from CIP-37-255.0, Fund No. 41201, to CIP-32-021.0.

Loveland/Belock/AO

Aud. Cert. 2300303.

FILE LOCATION: SUBITEMS A, & B: W. O. 373561; Cont-Echo Pacific Construction Inc.

COUNCIL ACTION: (Tape location: B521-553.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

None.

The meeting was adjourned by Mayor Murphy at 3:50 p.m. in honor of the memory of:

FILE LOCATION:

COUNCIL ACTION:

(Tape location: E114-126; E135-142.)